

EXHIBIT 109

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1

1 FOR THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 *****

4 STUDENTS FOR FAIR ADMISSIONS, INC.,

5 Plaintiff

6 vs.

No. 1:14-cv-14176

7 PRESIDENT AND FELLOWS OF HARVARD

8 COLLEGE (HARVARD CORPORATION)

9 Defendants

10 *****

11 - HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY -

12
13 VOLUME: I

14 PAGES: 1-284

15
16
17 DEPOSITION of SARAH C. DONAHUE

18 Tuesday, June 6, 2017

19 9:08 a.m.

20 Held at: Wilmer Cutler Pickering Hale and Dorr,

21 LLP

22 60 State Street

23 Boston, Massachusetts

24 Megan M. Castro, RPR, Court Reporter

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1 financial aid?

2 MS. ELLSWORTH: Objection.

3 A. It is the number of students in the
4 freshman class receiving financial aid.

5 BY MR. STRAWBRIDGE:

6 Q. As of June of 2013, in your experience,
7 is that statement accurate, that the number of
8 aided freshman were in fact declining?

9 A. I think that probably was true.

10 Q. The reference in that bullet point is to
11 planned policy changes that are going to be fully
12 implemented in fiscal year 2016.

13 Did I read that correctly?

14 A. Yes.

15 Q. Do you know what policy changes she is
16 referring to?

17 MS. ELLSWORTH: Objection.

18 BY MR. STRAWBRIDGE:

19 Q. Or that the document is referring to?

20 A. I think so.

21 Q. What are those policy changes?

22 A. I think that was a change in an income
23 threshold.

24 Q. Okay. And an income threshold at which

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1 financial aid would or would not be awarded?

2 A. No.

3 Q. What do you mean by "income threshold"?

4 A. We had before then asked families to
5 contribute, on average, 10 percent of their
6 income up to \$180,000 income a year. And that
7 was scaled back to \$150,000.

8 Q. Let's turn the page actually and look at
9 page 3, which I think contains information
10 referring to the policy change you were just
11 describing.

12 So this slide appears -- would you agree
13 with me that this slide appears to show the
14 number of aided freshmen for 2012 through
15 projected 2017?

16 A. That is what it looks like.

17 Q. So this slide refers to the introduction
18 of the affordability initiative. Do you see that
19 language, first bullet point?

20 A. Yes.

21 Q. What is the affordability initiative?

22 A. The affordability initiative was an
23 extension of the bright line articulated
24 financial aid policy that was originally HFAI,

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1 Q. Do you currently read in C docket?

2 A. Yes.

3 Q. C docket includes southern California,
4 Los Angeles?

5 A. Yes.

6 Q. It also includes Hawaii?

7 A. Yes.

8 Q. Any other geographic areas?

9 A. The Marshall Islands.

10 Q. Anything else?

11 A. No.

12 Q. How long have you been reading C docket
13 for?

14 A. For a number of years.

15 Q. More than 10?

16 A. I can't recall.

17 Q. In your experience in reading
18 applications in that docket, is it your
19 experience that Asian-American applicants have
20 lesser personalities than other applicants in the
21 docket?

22 MS. ELLSWORTH: Objection.

23 A. No.

24 BY MR. STRAWBRIDGE:

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1 Q. Do they have the kind of characteristics
2 that lead to lower personal ratings in any
3 disproportionate way compared to other
4 ethnicities in the docket?

5 MS. ELLSWORTH: Objection.

6 A. We read files one by one. I don't think
7 so.

8 BY MR. STRAWBRIDGE:

9 Q. In your experience, do Asian-Americans as
10 a whole tend to be less accomplished with respect
11 to extracurricular activities than other
12 applicants?

13 MR. STRAWBRIDGE: Objection.

14 A. I don't know.

15 BY MR. STRAWBRIDGE:

16 Q. Do you recall ever coming to the
17 conclusion that Asian-Americans are generally
18 weaker on extracurricular activities than
19 applicants of other ethnicities?

20 MS. ELLSWORTH: Objection.

21 A. No.

22 BY MR. STRAWBRIDGE:

23 Q. Given that, do you have any explanation
24 as to why this model appears to indicate that the

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1 A. Yes.

2 Q. So are you familiar with the term
3 "one-pager"?

4 A. Yes.

5 Q. Does that describe the report that is
6 attached here to this e-mail?

7 MS. ELLSWORTH: Objection.

8 A. Yes.

9 BY MR. STRAWBRIDGE:

10 Q. And so what --

11 MR. STRAWBRIDGE: Strike that.

12 BY MR. STRAWBRIDGE:

13 Q. Looking at the information that's
14 presented here on this report, is this the type
15 of overview that Dean Fitzsimmons might describe
16 or information he might provide at the beginning
17 of a full committee meeting?

18 MS. ELLSWORTH: Objection.

19 A. He might provide some of this
20 information, yes, at that time.

21 BY MR. STRAWBRIDGE:

22 Q. Do you know whether he ever actually
23 provides all of this information? Does he put
24 this up on the screen or hand it out?

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1 MS. ELLSWORTH: Objection.

2 A. No.

3 BY MR. STRAWBRIDGE:

4 Q. But he might provide parts of it?

5 A. Yes.

6 Q. Such as the male/female information that
7 is at the top of this exhibit; correct?

8 A. Yes.

9 Q. And then there is some geographic
10 information which you said maybe is sometimes
11 presented; right?

12 A. Yes.

13 Q. There is areas of concentration or areas
14 of interest, I suppose.

15 MS. ELLSWORTH: Objection.

16 BY MR. STRAWBRIDGE:

17 Q. That is correct?

18 A. Yes.

19 Q. Lineage. Do you know if he ever talks
20 about lineage during the full committee meeting
21 overview?

22 A. Sometimes.

23 Q. And there is information here about aid
24 versus not aid, fee-waived applicants. Do you

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1 know if that is ever mentioned during the
2 overview?

3 MS. ELLSWORTH: Objection.

4 A. Sometimes.

5 BY MR. STRAWBRIDGE:

6 Q. Recruited athletes. Does that come up?

7 A. Sometimes.

8 Q. Citizenship status?

9 MS. ELLSWORTH: Objection.

10 A. Sometimes.

11 BY MR. STRAWBRIDGE:

12 Q. And then race, which is the bottom three
13 categories.

14 A. Sometimes.

15 Q. Do you know -- do you understand what is
16 meant by the various categories of ethnic
17 breakdowns that are listed here?

18 MS. ELLSWORTH: Objection.

19 A. Yes.

20 BY MR. STRAWBRIDGE:

21 Q. What is the old methodology?

22 A. That refers to the way we have
23 traditionally kept track of those categories, as
24 opposed to the new -- my understanding is the new

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1 sort of federal requirements for this reporting.

2 Q. And is the current federal requirement,
3 is that represented by the IPEDS category on this
4 chart?

5 MS. ELLSWORTH: Objection.

6 A. I don't know. I am unclear on that.

7 BY MR. STRAWBRIDGE:

8 Q. And can you say the difference between
9 the new methodology and the IPEDS versions here?

10 A. Can I what?

11 Q. Can you describe what the difference is
12 in the methodologies of the one that is labeled
13 "new methodology" versus the one that is labeled
14 "IPEDS" on this chart?

15 A. I can't describe it.

16 Q. You said race is sometimes part of the
17 overview that Dean Fitzsimmons gives?

18 MS. ELLSWORTH: Objection.

19 A. Yes.

20 BY MR. STRAWBRIDGE:

21 Q. Do you know whether it's always part of
22 the overview?

23 A. I don't think so.

24 Q. Sitting here today, can you remember any

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1 A. The student might have told the
2 interviewer that he or she was excited about MIT.

3 Q. I mean, in some cases would a call be
4 placed to a guidance counselor or a school to try
5 to get this information?

6 A. No.

7 Q. Would there ever be a question posted to
8 the candidate?

9 A. No.

10 Q. Would you ever reach out to MIT and ask
11 if they had accepted this candidate?

12 A. No.

13 Q. So it would just be through information
14 that is already available in the file to try to
15 find that out?

16 MS. ELLSWORTH: Objection.

17 A. I would think the student would have had
18 to --

19 BY MR. STRAWBRIDGE:

20 Q. Volunteer it?

21 A. -- volunteer that information.

22 Q. The one-pager that we were looking at
23 earlier, you still have it in front of you,
24 [Exhibit 16](#)?

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1 A. Yes.

2 Q. How often do you receive those during the
3 meeting process?

4 MS. ELLSWORTH: Objection.

5 A. It varies.

6 BY MR. STRAWBRIDGE:

7 Q. It is sometimes provided daily?

8 A. I don't think so.

9 Q. What is your recollection as to the
10 relative frequency of those reports during the
11 meeting process?

12 MS. ELLSWORTH: Objection.

13 A. It varies by time of year.

14 BY MR. STRAWBRIDGE:

15 Q. In terms of early action versus regular
16 action?

17 A. Fewer at early action.

18 Q. Why is that? Do you know?

19 MS. ELLSWORTH: Objection.

20 A. It is a smaller group. It is a long
21 admissions season.

22 BY MR. STRAWBRIDGE:

23 Q. What do you do with this information when
24 you receive it?

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1 for admission in the admitted class has risen?

2 MS. ELLSWORTH: Objection.

3 A. I don't know.

4 BY MR. STRAWBRIDGE:

5 Q. And do I understand your testimony to be
6 that as far as you can observe, given your
7 experience in the office running C docket, you
8 are not aware of any changes to the way race is
9 used since the filing of this lawsuit?

10 MS. ELLSWORTH: Objection.

11 A. I am not aware of any changes.

12 BY MR. STRAWBRIDGE:

13 Q. And do I understand -- I may have asked
14 this question before, but I just want to make
15 sure I understand your testimony at this point.

16 In your time in the admissions office,
17 have you ever discussed with anybody what
18 Harvard's class would look like if race was not a
19 factor in the admissions process?

20 MS. ELLSWORTH: Objection.

21 Again I will remind the witness not to
22 disclose the contents of communication with
23 counsel or advice of counsel in answering the
24 question. If you can answer without disclosing

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1 that information, you may do so.

2 A. I have forgotten the question.

3 MR. STRAWBRIDGE: Can you read it back?

4 (The pending question was then read back.)

5 A. I don't think so.

6 BY MR. STRAWBRIDGE:

7 Q. Are you aware of any complaints by alumni
8 interviewers about Harvard's admissions process
9 disadvantaging Asian applicants?

10 MS. ELLSWORTH: Objection.

11 A. Not specifically.

12 BY MR. STRAWBRIDGE:

13 Q. Have you ever heard anybody in the
14 admissions office express opposition to the use
15 of race in the admissions process?

16 MS. ELLSWORTH: Objection.

17 A. No.

18 BY MR. STRAWBRIDGE:

19 Q. Do you know how, if at all, somebody's --
20 a donation to Harvard College may affect a
21 particular applicant's chances for admission to
22 the college?

23 MS. ELLSWORTH: Objection.

24 A. I don't think it affects it.

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CERTIFICATE

Commonwealth of Massachusetts

Suffolk, ss.

I, Megan M. Castro, Registered
Professional Reporter and Notary Public in and for
the Commonwealth of Massachusetts, do hereby
certify:

That SARAH C. DONAHUE, the witness whose
deposition is hereinbefore set forth, was duly
sworn by me and that such deposition is a true
record of the testimony given by the said witness.

IN WITNESS WHEREOF, I have hereunto set
my hand on June 18, 2017.

Megan M. Castro
Registered Professional Reporter
Certified Shorthand Reporter No. 152614

My Commission expires:

July 31, 2020